Supreme Court, U.S.
FILED
09-968 DEC 2- 2009
OFFICE OF THE CLERK

No._____

IN THE

SUPREME COURT OF THE UNITED STATES

SHERRYL SNODGRASS CAFFEY, *pro se*

Petitioner,

vs.

SUPREME COURT OF ALABAMA,

Respondent.

On Petition for a Writ of Certiorari to the Supreme Court of Alabama and the Alabama State Bar

PETITION FOR WRIT OF CERTIORARI

Sherryl Snodgrass Caffey, Esq.
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Normal, Alabama 35762
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QUESTIONS PRESENTED

1. **Whether the Alabama Supreme Court abdicated its statutory "inherent responsibility to supervise the conduct of lawyers and to review any disciplinary action on appeal, as mandated by the *Rules of Disciplinary Procedure* in its *Preamble* and in *Rule 1(a)(1), Rule 12(f)(1) and (6), Rule 26*© to the Alabama State Bar.**

2. **Whether the Alabama Supreme Court abused its discretion, acted arbitrarily and capriciously, and/or violated state and federal law, to include Petitioner's Constitutional rights to due process, equal protection and a fair and impartial hearing, and her Constitutional protections against double jeopardy, and deprivation of property and liberty rights, by dismissing Petitioner's Appeal; denying her Motion for Reinstatement of Appeal; denying her Application for Rehearing; and by refusing to review and rule upon the Alabama State Bar's Order of Disbarment on non-disbarment charges.**

3. **Whether the Alabama State Bar violated Petitioner's Constitutional rights to: freedom of speech, freedom of association, due process, equal protection, a fair and impartial hearing,**

protection from unlawful deprivation of her property and liberty rights to her job as a duly licensed Alabama Attorney and protection against double jeopardy by: its suppression and distortion of the record and other evidence, to include critical exculpatory evidence such as the audio tapes of the trial; by singling Petitioner out as the only Attorney to be prosecuted by the Bar for being found in contempt of court; by prosecuting Petitioner for statements she made in court, which were authorized and solicited by the trial judge and for statements she purportedly made to the media; by refusing to prosecute her complaint against Brian Jones; by conducting an *ex parte* hearing and providing false supportive information to the Hearing Panel which blamed Petitioner for delays caused by the Bar; by violating the Rules of Evidence to use a VHS Tape, which was not noticed to Petitioner and which was not admitted into evidence, as an aggravating circumstance to support an Order of disbarment; by relitigating the Contempt Order; by seeking and obtaining a disbarment order on non-disbarment charges; by relitigating two charges against Petitioner which had previously been dismissed; by violating the statute of limitations and the doctrine of remoteness; by violating the Alabama Rules of Disciplinary Procedure and the Rules of Professional Conduct; by

committing the criminal offense of tampering with evidence; by falsely representing to Petitioner, to Petitioner's clients, and to the general public and advertising in a newspaper ad that Petitioner has been disbarred, when in fact, the Alabama Supreme Court has not entered a Disbarment Order, as required by Alabama statutory law; and by committing other unlawful actions as detailed in Petitioner's Appellant Brief, and in the record.

LIST OF PARTIES

Petitioner: **Sherryl Snodgrass Caffey, Esq., a duly licensed attorney by this Honorable Court**

Respondents: **State of Alabama Supreme Court**

Alabama State Bar

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Rule 12(f)(1) & (6), Rules of Disciplinary Proc. Procedure
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CASES:

***Sherryl Snodgrass Caffey v. Alabama State Bar* (Ala. Supreme Ct., Case No. 1080561**

***Alabama State Bar v. Sherryl Snodgrass Caffey* (Ala. Sup. Ct., Case No. 1040527)**

Alabama State Bar Disciplinary Board Finding and Order of Disbarment

Contempt Order

CITATIONS OF OPINIONS BELOW

Sherryl Snodgrass Caffey v. Alabama State Bar (Ala. Supreme Ct.,2009), Case No. 1080561

Dismissal of Petitioner's Appeal

Denial of Motion for Reinstatement

Denial (striking) of Application for Rehearing

Alabama State Bar Disciplinary Board Finding and Order of Disbarment (2008)

***Alabama State Bar v. Sherryl Snodgrass Caffey* (Ala. Sup. Ct. 2006), Case No. 1040527**

***Ex parte Sherryl Snodgrass Caffey*, 821 So. 2d 257 (Ala. 2001)**

***Caffey v. State*, 814 So. 2d 1017 (Ala. Crim. App. 2000)**

Limestone County. Circuit Court Contempt Order

BASIS FOR JURISDICTION

The Alabama Supreme Court denied (struck) Petitioner's timely filed Application for Rehearing on September 3, 2009. APP. C Accordingly, pursuant to Rule 14 of the Supreme Court Rules, this petition is timely filed on this date.

Petitioner contends that this Honorable Court has jurisdiction to review her Petition for Writ of Certiorari pursuant to Rule 10© of the Supreme Court Rules.

Additionally, inasmuch as Petitioner is duly licensed as an attorney in this Court, and she has been disbarred by the Alabama State Bar, this Honorable Court has jurisdiction of this case pursuant to *Rule 8 of the Supreme Court Rules.*

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED IN THE CASE

The First Amendment to the United States Constitution, which provides, in pertinent part: "Congress shall make no law ... abridging the freedom of speech."

The First Amendment to the United States Constitution, which provides, in pertinent part: "Congress shall make no law ... abridging the freedom of association."

The Fourth Amendment to the United States Constitution, which provides, in pertinent part: "The right of the people to be secure in their persons ... against unreasonable searches and seizures, shall not be violated ...

The Fifth Amendment to the United States Constitution, which provides, in pertinent part: "No person shall ... be deprived of life, liberty, or property, without due process of law ..."

The Sixth Amendment to the United States Constitution, which provides for a fair and impartial hearing

The Fourteenth Amendment to the United States Constitution, which provides, in pertinent part: "... "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

42 U.S.C. § 1983, which provides, in pertinent part: "Any person who, under color of any statute, ordinance, regulation, custom, or usage, of any state ... subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution or laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress ..."

Rule 2(a)(2) of the *Alabama Rules of Appellate Procedure,* which states:

> **When an appellate court, on motion of a party, or on its own motion, shall determine that a party is obviously failing to prosecute the appeal ©, or has substantially failed to comply with these rules (D), the appellate court shall cause notice to be sent to the party in default, notifying the party, in general terms, of the deficiency. If the party in default fails to correct the deficiency prior to submission, or within such time as the appellate court shall direct, the appellate court may dismiss the appeal. The attorney for the party in default has the burden to correct promptly any deficiency or to see that the default is corrected by the appropriate official.**

The *Preamble to the Rules of Disciplinary Procedure,* which states: **"The Supreme Court of Alabama has inherent responsibility to supervise the conduct of lawyers who are its officers...."**

Rule 1(a)(1) of the Rules of Disciplinary Procedure, which states : **"Lawyers admitted to practice law in this state .... are subject to the exclusive disciplinary jurisdiction of the disciplinary commission and the disciplinary board of the Alabama state bar, with review by the Supreme Court of Alabama."**

Rule 8 of the Alabama Rules of Disciplinary Procedure, which defines a serious crime as: a felony, or a lesser crime....

Rule 12(f)(1) and (6)of the Rules of Disciplinary Procedure, which states:

> **(f)(1) The parties have a right to appeal an adverse decision of the Disciplinary Board .... to the Supreme Court of Alabama....**
> **(f)(6) The Alabama Rules of Appellate Procedure shall govern all proceedings under this rule to the extent this rule does not provide otherwise.**

Rule 26© of the Rules of Disciplinary Procedure, which explicitly contains a provision for the Supreme Court of Alabama to issue an order of disbarment or suspension, to wit: "**However, during the period from the entry date of the order by the Disciplinary Board or the Disciplinary Commission and the effective date of the order of disbarment or suspension by the Supreme Court of Alabama....**"

STATEMENT OF THE CASE

Petitioner is African American. She is a member of the Bar of this Honorable Court.

This case arose in April of 2000 when the trial prosecutor, Brian Jones, telephonically filed a complaint against Petitioner with his friend and Alabama State Bar prosecutor, Robert Lusk.

Pursuant to policies and procedures, Jones' complaint was forwarded to the local Huntsville-Madison County Bar for investigation; and the investigator thereof found that Petitioner was not guilty of the charges against her; that Jones was just angry because she was winning the trial; that Jones had admitted that he and Lusk were friends, which created a conflict of interest for the Bar; that Petitioner's case was being treated differently from other cases and she was, thus, being denied equal protection; and that the complaint against her was due to be dismissed.

However, the Alabama State Bar retrieved the complaint, suppressed the aforesaid findings; and filed formal charges against Petitioner - - all of which were premised upon Petitioner being found in contempt of court during an April 2000 criminal jury trial before Circuit Judge James Woodrof, (also referred to herein as **"the trial court")** in which Jones was the prosecutor and Petitioner was counsel for the defendant.

During said trial, Petitioner asked the trial court for permission to make a statement on the record out of the presence of the jury. At the appropriate time and while the jury was on a break, the trial judge told Petitioner she could make her statement on the record. Petitioner then made the statement on the record, wherein she stated, *inter alia,* Jones had tried to make her stipulate to illegal evidence being admitted against her client; and when she refused and told him that she was going to advise the Bar of his action, the District Attorney,

Kristi Valls, ran up to her in a threatening manner, stuck her finger in Petitioner's face, and told her that she revoked her right to practice law in Limestone County. Based upon these actions, she further asked the trial court for a continuance of the trial because she was too emotionally distraught to continue with the trial, and because she needed to seek guidance from the Alabama State Bar and/or the Alabama Supreme Court. Although the trial Court had previously approved her making said statement, and had, in fact, solicited said statement, the trial court found her in contempt of court for making it immediately after she made it.

The trial court then granted Jones' request to speak directly to her client with an offer of imprisonment. She objected, and the trial court ordered her to make the offer; whereupon she responded that she would communicate the offer to her client, but she would not advise him to accept it. Her client refused to accept the offer, and Judge Woodrof found her in contempt of court for the second time, and ordered her immediately to jail. Judge Woodrof's aforesaid actions violate Petitioner's First Amendment right to freedom of speech; and her duties toward her client.

Petitioner was handcuffed behind her back, removed from the court. and incarcerated in the Limestone County jail, where she was jailed in an area being used to jail male inmates; and in a cell which had a window on the door and a camera - - thereby permitting male inmates, male jailers and male visitors round the clock viewing and harassment of her. Petitioner asserts that said imprisonment constitutes a violation of her Fourth

Amendment right against unlawful seizure of her person, and invasion of privacy.

After Petitioner had been removed from the courtroom, the trial court declared a mistrial and sentenced her to serve 5 days in jail. As part of his explanation for the aforesaid actions, Judge Woodrof told the jury that he and the District Attorney had discussed a mistrial the day before, thereby admitting to an *ex parte* conversation wherein he and the District Attorney planned the mistrial, which Petitioner was thereafter charged with causing.

Judge Woodrof stated no specific grounds in support of his Contempt Order (APP. F), which was entered the second day of Petitioner's incarceration without a hearing thereon, and without a jury trial, although she was convicted of criminal contempt.

Thereafter, Petitioner filed an appeal in which she identified the entire record for review by the appellate courts; however, the trial court suppressed the trial exhibits; all of the documents she filed; and the reverse side of three purported indictments, which showed no signature thereon by the Grand Jury Foreperson, as required by Alabama law.

Additionally, the trial court edited the transcript and sabotaged the audio tapes of the trial, thereby committing the criminal offense of tampering with evidence. Despite Petitioner producing court certified and stamped-in copies of the missing documents she filed in court, and copies of the Court Reporter's record identifying the admitted exhibits; and copies of two dates for certification of the transcript (May 10, 2000 and May 19, 2000) on the

same page 450 thereof, and despite Petitioner's many requests for the complete unedited record, which also included a Petition for Writ of Mandamus filed with the Court of Criminal Appeals and a Petition for Writ of Mandamus filed with the Alabama Supreme Court, the flawed appellate record was never corrected. In fact, the Court of Criminal Appeals denied said Petition; and the Alabama Supreme Court phoned Petitioner and instructed her to dismiss her Petition and it would consider her issues therein on appeal. However, after she dismissed her Petition, the Alabama Supreme Court denied her Petition for Writ of Certiorari.

Further, in its aforesaid 2006 remand of the bar charges for a trial, the Alabama Supreme Court failed to address her claims concerning the trial court and the Bar suppressing and otherwise tampering with the record, which contained exculpatory evidence.

Consequently, Petitioner was forced to exhaust the appellate system and the Bar prosecutorial system with a tainted and suppressed record, which is severely prejudicial to her. Petitioner asserts that said tainted and suppressed record violated her fundamental Constitutional rights to due process and to a fair and impartial hearing, as guaranteed by the Fifth and Fourteenth Amendments, and the Sixth Amendment, respectively.

Moreover, the Bar's charges include an allegation and a finding that she was yelling and screaming at witnesses during the trial. However, the Bar refused to produce the audio tapes upon request for production, or to provide the audio tapes to

the Hearing Panel. Petitioner was severely prejudiced by the suppression of this critical exculpatory evidence.

The Alabama State Bar Disciplinary Board initially granted summary judgment to the Bar based solely on the fact that Petitioner was found in contempt of court, and ordered a suspension of 45 days, with 7 days to serve provided Petitioner wrote an unconditional letter of apology to Judge Woodrof, and took an ethics course.

Petitioner appealed to the Disciplinary Board of Appeals, and won a reversal and remand for a hearing. During the Hearing before this Board, Lusk admitted that Petitioner was the only attorney to ever be prosecuted by the Bar because of a contempt finding. Such admission constitutes an admission that the Bar violated Petitioner's Constitutional right to equal protection, as guaranteed by the Fourteenth Amendment.

The Bar then appealed the Board's ruling to the Alabama Supreme Court, which affirmed the ruling of the Board and remanded the case for a Hearing in ***Alabama State Bar v. Sherryl Snodgrass Caffey*** **(Ala. Sup. Ct. 2006), Case No. 1040527.** APP. E

The Bar never amended its complaint after the remand; accordingly, all of the allegations against Petitioner remained premised on the Contempt Order, which the Alabama Supreme Court ruled could not be re-litigated. Pursuant to *Rule 31 of the Alabama Rules of Disciplinary Procedure,* **"formal disciplinary proceedings before the disciplinary board must be instituted by the filing of formal charges**

within six (6) years from the accrual of the offense...." Pursuant to this Rule, the Bar's complaint against Petitioner, which was filed in April of 2000 could not be amended after April of 2006. Inasmuch as the pending charges against Petitioner were premised on the Contempt Order, which could not be relitigated, the November 2008 Hearing thereon exceeded the six year statute of limitation, and constituted an excessive delay. In fact, the Alabama Supreme Court in *Hayes,* 710 So. 2d 787, 791 found that the delay in hearing charges filed in May of 1996 until July 29, 1997, without an explanation therefor was excessive, and dismissed said charges.

From March 10, 2006, the date of the Alabama Supreme Court's remand order in this case, until the Bar's November 18, 2008 *ex parte* Hearing, the Hearing was continued by Petitioner's motion once, and by the Bar's motion once. However, it was continued by the Bar's *ex parte* reset notices six (6) times. The Bar's first setting of the Hearing after remand was on 8/30/06, five(5) months after the entry of the remand order. On 12/08/06, the Bar "continued generally" the case; and eventually set the next Hearing for 06/19/07, which was followed by several more resettings by the Bar.

On the date of the November 18, 2008 Hearing, Petitioner was medically diagnosed with Flu, Pleurisy and Strep Throat, which she contracted the day before at Huntsville Hospital under the following circumstances: While she was transporting her client to a Court ordered Deposition, he suffered serious complications from recent major surgery, and his Doctor's staff instructed her to take him immediately to Huntsville Hospital ER, from which he had been discharged four (4) days earlier. She stayed with him

at the hospital from 9:00 a.m. until 3:26 p.m. By the time she realized that she was ill, the Bar office had closed.

Accordingly, she phoned the Bar Office the next morning at 8:00 a.m. and left a message that she thought she had the Flu and she was going to the Doctor; and she requested a continuance of the Hearing. The Hearing was being held in Montgomery, Alabama which is approximately 200 miles from Huntsville, Alabama, her place of residence. Lusk told the panel that her Hearing should not be continued because she had engaged in a pattern and practice of avoiding the Hearing by filing motions for continuance, and then he argued the history of Bar hearing re-settings against her. Lusk's aforesaid false assertions against her proximately caused the Hearing Panel to hold her Hearing *ex parte.* Additionally, Lusk told the Panel that Petitioner had not made additional contact with the Bar that day, when he knew she had phoned him, and he refused to take the call.

During the Hearing, Lusk admitted the following Exhibits: his extracted excerpts from the trial transcript, which grossly distort the context and which omitted ultimate favorable rulings on Petitioner's motions and objections; one copy of the trial transcript, which according to the ruling by the Hearing Panel was not considered; the Contempt Order, which by Order of the Supreme Court could not be re-litigated; and the VHS Tape containing the TV interview of Petitioner.

Petitioner asserts that the use of the aforesaid excerpts versus the entire record deprived her of fundamental due process, as guaranteed by the Fifth and Fourteenth Amendments; that consideration of the

Contempt Order violated the remand Order and deprived her of her Constitutional protection against double jeopardy; and that the use of the VHS Tape violated her Constitutional rights to freedom of speech, to due process, and to a fair and impartial Hearing, as guaranteed by the First, Fifth and Fourteenth, and Sixth Amendments, respectively. Additionally, the use of the VHS Tape constitutes a violation of the *Alabama Rules of Evidence* based upon the fact that the Hearing Officer denied its admission into evidence.

Prosecutor Jones and Judge Woodrof, both of whom had been sued by Petitioner, gave biased and false testimony against her at the trial. At one point Jones testified that Petitioner was screaming and yelling at witnesses and at the trial Judge, accordingly, Lusk asked Jones if he could scream like Caffey, Jones replied that he could, and Lusk directed him to "scream like Caffey for the Panel. Jones screamed.

This "scream testimony" by Jones clearly violated the Best Evidence Rule, which would have been the suppressed trial audio tapes. Petitioner asserts that said tapes contained exculpatory evidence which clearly showed that Jones' testimony was false.

Jones also testified that Petitioner was jumping up and down as she screamed; and that her feet left the ground, only to have said testimony rebutted by Judge Woodrof.

During the Hearing, Lusk attempted to admit a recording of a television interview of Petitioner following the trial; however, the Hearing Officer denied the admission thereof, stating that Petitioner had not been given notice of the tape in the charges against her;

the statements occurred after the mistrial; and the record is silent as to what statements are considered violations, and the reasons therefor. However, Petitioner had no prior history of any disciplinary action against her; accordingly, Lusk requested to use the interview as aggravating circumstances to argue for disbarment, and the Hearing Officer permitted such use, although the Tape was not admitted into evidence; and although Petitioner was not charged with a disbarment offense. APP. D shows the VHS Tape as Exhibit 4.

The Hearing Panel found that Petitioner was defiant and disrespectful because "she purportedly claimed that there was an intolerance by white judges to show respect to black attorneys and that the judge was embarrassed by all the lies the State (Jones) told during the trial. However, in its November 1999 publication of the Alabama State Bar's monthly Magazine, *The Alabama Lawyer*, the Bar reported the results of a survey of minority attorneys it commissioned, which included, *inter alia,* the following: 58% of the minority attorneys surveyed reported that they had experienced "condescending treatment by non-minority attorneys or judges because of their race; and 26% reported that they had experienced "verbal abuse or harassment" because of their race.

Also, during the Hearing, Jones falsely testified that Petitioner brought NAACP members into the courtroom and was attempting to incite them to riot. Such testimony is flatly contradicted by even the tainted record. In fact, protesters showed up for the first time in direct response to Petitioner's imprisonment; and Petitioner was in jail and unaware of their protests. Jones also claimed that Petitioner had threatened him with filing a complaint with the NAACP

and the Department of Justice. Petitioner's alleged association with the NAACP and the Justice Department were considered by the Hearing Panel. Petitioner hereby asserts that such consideration violates her First Amendment rights to freedom of association, and to seek legal redress from governmental entities. In fact, the Hearing Panel merely considered and adopted the testimony of Jones and Woodrof. By their own admission, they did not read the 450 page trial transcript. Further, the voluminous Bar case file, and trial audio tapes, which proceeded the Supreme Court's remand order, were suppressed from the Panel.

This is a request for review of the Alabama Supreme Court's dismissal of Petitioner's appeal (APP. A) due to its finding that she failed to prosecute her appeal in that said court had not received copies of her appeal by the due date of June 18, 2009, as said dismissal violates *Rule 2(a)(2) of* the Alabama Rules of Appellate Procedure, which mandates:

> **When an appellate court, on motion of [illegible], shall determine that a party is obviously failing to prosecute the appeal ©, or has substantially failed to comply with these rules (D), the appellate court shall cause notice to be sent to the party in default, notifying the party, in general terms, of the deficiency. If the party in default fails to correct the deficiency prior to submission, or within such time as the appellate court shall direct, the appellate court may dismiss the appeal. The attorney for the party in default has the burden to correct promptly any deficiency or to see that the default is corrected by the appropriate official.**

Petitioner was not sent the aforesaid mandated notice of the Alabama Supreme Court's non-receipt of her briefs; and when she responded to the notice of dismissal of her appeal by filing a Motion for Reinstatement and her June 15, 2009 Certified Mailing Receipt, which clearly showed that she timely filed her brief on June 15, 2009, three (3) days before the June 18, 2009 filing deadline, said motion was purportedly denied by the Alabama Supreme Court. APP. B

Further, Petitioner subsequently re-mailed copies of her brief with a Motion to Accept the Out of Time Filing thereof. However, the Alabama Supreme Court purportedly denied her Motion for reinstatement on August 25, 2009; denied her Application for Rehearing on September 3, 2009; and never ruled upon her Motion to Accept Out of Time Filing of Appellant's Brief, which remains pending.

This is also a request for this Honorable Court to review the Alabama Supreme Court's decision to not enforce its prior rulings in ***Alabama State Bar v. Sherryl Snodgrass Caffey*** **(Ala. Sup. Ct. 2006), Case No. 1040527,** wherein it affirmed the Bar Commissioners reversal of the Bar's summary judgment, which was erroneously based upon a finding that Petitioner was guilty of ethical violations solely because she was found in contempt of court; remanded the case for a trial; and prohibited the re-litigation of the Contempt Order, in that the Bar re-litigated the Contempt Order and admitted it as an Exhibit during its November 18, 2009 *ex parte* Hearing. Further, the Hearing Panel based its ruling, in part, on the Contempt Order.

The Hearing Panel also considered two (2) charges which had previously been dismissed by the Bar and found Petitioner guilty of one of them, thereby violating her Constitutional protection against double jeopardy, and the well-settled law concerning *res judicata, and* issue preclusion.

This is also a request for this Honorable Court to review the Alabama Supreme Court's actions and determine whether it fulfilled its statutory obligations to review and to enter the final and effective Order on a suspension or disbarment; and whether there even exists a final, effective and appealable Order. This issue is especially ripe for this Court's review in that pursuant to *Rule 8 of the Supreme Court Rules* this Court must enter an order suspending Petitioner from practice before it and affording Petitioner 40 days to show cause why a disbarment order should not be entered, if this Court finds that the Alabama Supreme Court has entered an Order of Disbarment.

REASONS FOR GRANTING THE WRIT

The aforesaid summary of Petitioner's case, and the record in this case clearly show egregious violations of Petitioner's Constitutional rights to freedom of speech, freedom of association, due process, equal protection, fair and impartial hearings, and her Constitutional protections against an unlawful deprivation of property and liberty rights, and against being placed in double jeopardy.

Moreover, this case has significant adverse repercussions for all attorneys in the State of Alabama, and especially for criminal defense attorneys, in that Petitioner is now the "Poster Attorney" for what happens to an attorney who fights competently and zealously for the Constitutional rights of her/his clients to have a fair and impartial trial.

Petitioner has endured nine (9) years of prosecution and persecution by the Alabama State Bar, even though it admitted to the Board of Disciplinary Appeals that Petitioner is the only attorney to ever be prosecuted by them because of a contempt finding. Said admission prompted this Board to reverse the Bar's summary judgment and to remand her case for a Hearing on the merits; and it resulted in the Alabama Supreme Court's affirmation of the Board's ruling, as set forth in its remand Order.

Nevertheless, the Alabama Supreme Court has seemingly "washed its hands" of this case, perhaps because it has dragged on so long. But justice should not be denied because of weariness, nor because of inconvenience; and it should not be foreclosed because it was delayed. Accordingly, this Honorable Court must step in to make the words on its building "EQUAL JUSTICE UNDER THE LAW" a reality for Petitioner.

Petitioner was born and reared in Scottsboro, Alabama; and it is because of the "Scottsboro Boys Case, and this Court's landmark rulings therein, that she decided to become an attorney. Accordingly, Petitioner now asks this Honorable Court to accept her case for review; and to give her the fair and impartial hearing she has been denied for the past 9 years.

CONCLUSION

Based upon all of the reasons stated herein, the record as a whole, and the fact that Petitioner, as a member of the Bar of this Honorable is subject to be suspended by this Honorable Court based upon the State rulings, this Honorable Court should grant the Petition for Writ of Certiorari.

s/Sherryl Snodgrass Caffey

Sherryl Snodgrass Caffey

INDEX TO APPENDICES

APPENDIX A: **ORDER dismissing Appeal for failure to prosecute *Sherryl Snodgrass Caffey v. Alabama State Bar* (Ala. Supreme Ct., Case No. 1080561**

APPENDIX B: **ORDER denying Motion for Reinstatement *Sherryl Snodgrass Caffey v. Alabama State Bar* (Ala. Supreme Ct., Case No. 1080561**

APPENDIX C: **ORDER denying Application for Rehearing *Sherryl Snodgrass Caffey v. Alabama State Bar* (Ala. Supreme Ct., Case No. 1080561**

APPENDIX D: **REPORT AND ORDER OF THE ALABAMA STATE BAR DISCIPLINARY BOARD Excerpts**

APPENDIX E: ***Alabama State Bar v. Sherryl Snodgrass Caffey* (Ala. Sup. Ct., Case No. 1040527)**

APPENDIX F: **CONTEMPT ORDER**

APPENDIX A

IN THE SUPREME COURT OF ALABAMA
September 3, 2009

SEAL
1080561
Sherryl Snodgrass Caffey v. Alabama State Bar
(Appealed from ASB-03-73(A)

ORDER

_____It appears to the Court that there has been an obvious failure to prosecute the appeal in this cause.

IT IS, THEREFORE, ORDERED that the appeal is dismissed pursuant to Rule 2(a)2©, Alabama Rules of Appellate Procedure.

IT IS FURTHER ORDERED that costs be taxed against the appellant(s) as provided by Rule 35, Alabama rules of Appellate Procedure.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 4th day of __ August, 2009.

s/Robert G. Esdale, Jr.
Clerk, Supreme Court of Alabama

cc:
Alabama State Bar Disciplinary Clerk
Sherryl Snodgrass Caffey, Esq.
Robert E. Lusk, Jr. Esq.

APPENDIX B

IN THE SUPREME COURT OF ALABAMA
September 3, 2009

1080561

Sherryl Snodgrass Caffey v. Alabama State Bar
(Appealed from ASB-03-73(A)

ORDER

The appellant's "Motion for Reinstatement of Appeal" having been submitted and considered,

IT IS ORDERED that the motion for reinstatement of this appeal is denied.

Cobb, C.J., and Lyons, Woodall, Stuart, Smith, Bolin, Parker, Murdock, and Shaw, JJ., concur.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.
Witness my hand this 25th day of August, 2009.

s/Robert G. Esdale, Jr.
Clerk, Supreme Court of Alabama

APPENDIX C

IN THE SUPREME COURT OF ALABAMA
September 3, 2009

SEAL
1080561

Sherryl Snodgrass Caffey v. Alabama State Bar
(Appealed from ASB-03-73(A)

ORDER

_____The appellant having filed a request for reconsideration in this Court, and the same having been treated as an application for rehearing.

IT IS ORDERED that the application for rehearing is stricken. See Rule 40(a)(3), Alabama Rules of Appellate Procedure.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.
Witness my hand this 3rd day of _____ September, 2009

s/Robert G. Esdale, Jr.
Clerk, Supreme Court of Alabama

cc:
Alabama State Bar Disciplinary Clerk
Sherryl Snodgrass Caffey, Esq.
Robert E. Lusk, Jr. Esq.

APPENDIX D

EXCERPTS FROM REPORT AND ORDER OF THE ALABAMA STATE BAR DISCIPLINARY BOARD

After a full hearing of the testimony ore tenus and receipt and consideration of exhibits, the panel unanimously finds the following charges have been proved by clear and convincing evidence. Para. III, C 97

Exhibit "3" (Contempt Order)	**903**
"Exhibit 4" (VHS Tape)	**904**

APPENDIX E

Alabama State Bar v. Sherryl Snodgrass Caffey (Ala. Sup. Ct., Case No. 1040527) states, *inter alia*:

> **The Board of Appeals stated that "[t]]he finality of the contempt order does not, however, per se equate to a violation of the Rules of Professional Responsibility made the basis of the formal charges."**
>
> **The Board of Appeals remanded Caffey's case to the Disciplinary Board for a "full hearing." Because we affirm the Board of Appeals' decision, we pretermit discussion of Caffey's arguments that the Disciplinary Board violated her due-process rights in the first proceeding.**
>
> **14 Rule 22(a), Ala. R. Disc. P., provides, in relevant part:**
>
> **"(a) The Disciplinary Commission shall disbar or suspend a lawyer:**
> **"(2) If the lawyer's conviction for a 'serious crime,' as defined in Rule 8 of these Rules, has become final ...."**
> **We hold that the Board of Appeals applied the correct standard of review and that the Board of Appeals correctly determined that a conviction for contempt does not constitute a per se violation of the Alabama Rules of Professional Conduct. We affirm the decision of the Board of Appeals reversing the Disciplinary Board's summary judgment in favor of the State Bar and remanding of the case to the Disciplinary Board for a full hearing. We note that the Board of Appeals was correct in ordering that at the "full hearing" Caffey will not be entitled to relitigate the circuit's finding of contempt.**

APPENDIX F

IN THE CIRCUIT COURT FOR LIMESTONE COUNTY, ALABAMA

STATE OF ALABAMA,
VS. CASE NO. CC 99-236
BRANDON LEE HUGHES,
DEFENDANT.

CONTEMPT ORDER

It is the Order of this Court that the defense attorney in the above-styled matter, Sherryl Snodgrass Caffey, has continued to conduct herself in such a manner before this Court that her actions constitute a clear contempt of this Court. It is the findings of the undersigned that Sherryl Snodgrass Caffey has been disrespectful and contemptuous in her manner toward the Court and before a duly impaneled jury in such a way as to diminish and impair the respect due to judicial tribunals and further to interrupt the due course of this trial. The actions of Sherryl Snodgrass Caffey have been committed in open court, in the presence of the Judge, and were observed in the court setting and transcribed by the Official Court Reporter.

It is ORDERED, ADJUDGED AND DECREED by the Court that Sherryl Snodgrass is in contempt of court and is sentenced thereby to five (5) days in the county jail and a fine of $100.00. Sher[r]yl Snodgrass Caffey shall be entitled to file notice of appeal and made application for bond, bond set at $300.00.

Dated ths 24th day of March, 2000.

s/James Woodrof

Circuit Judge